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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,311	10/01/1999	JAMES EDWIN HAILEY	RCA88751	5785

7590 03/12/2004

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

12

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,311

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-27 and 29-33 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,982,445 to Eyer.

Regarding claims 23 and 32, Field discloses an MPEG system which transmits both MPEG video and html pages, packet identifiers are used to identify each data type, in Figure 3, the incoming signal goes through demux 205, which routes HTML data to HTML processor 215 which process the html data for display, and video decompressor 240 which decompresses the video (column 5, line 3-column 6, line 27, column 7, lines 27-59). Field inherently uses a mapping table to identify program data type as a table is required to recognize the data type, and field discloses the use of a programming service table for the audio and video (column 6, lines 54-67). Field does not disclose a composite image utilizing the video and Internet information. Eyer discloses a composite imaging system in which html data and video data are combined together and displayed simultaneously (Figure 4, column 4, lines 45-47, column 9, lines 14-43, column 10, lines 27-59). Therefore, it would have been obvious to one skilled in the art, at the time of invention to modify Field to simultaneously display video and html data as

taught by Eyer, thus enabling a user to learn more about the program they are watching, such as a movie name or movie review.

Regarding claims 24 and 25, Field discloses that the Internet information identified via packet ids (column 7, lines 27-41). Field inherently utilizes packet Ids headers for video information as Field discloses the use of the MPEG 2 video standard (column 5, lines 15-22).

Regarding claim 26, Field discloses the use of a web browser to display HTML data (column 7, lines 60-column 8, line 4).

Regarding claims 27 and 33, Field and Eyer disclose an html-enabled decoder, which receives MPEG video. Field and Eyer do not disclose the use of a HDTV compliant television signal. The examiner takes official notice that the use of HDTV compliant video is well known in the art. Therefore, it would have been obvious to one skilled in the art, at the time of invention to modify Field and Eyer to utilize HDTV compliant video, in order to provide a user with a higher quality picture.

Regarding claims 29-31, Field and Eyer disclose an html-enabled decoder, which receives MPEG video. Field and Eyer do not disclose whether the program map information associates the Internet information with the video information. The examiner takes official notice that associating video content packets with auxiliary data is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Field/Eyer to associate the video with the Internet data, thus providing supplementary content enabling a user to learn more about the program they are watching.

Claims 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,018,764 to Field in view of U.S. Patent 5,982,445 to Eyer in further view of U.S. Patent 5,778,181 to Hidary.

Regarding claims 28 and 34, Field and Eyer disclose an html-enabled decoder, which receives MPEG video. Field and Eyer do not disclose the synchronization of the web page and video data. Hidary discloses a system in which received webpages have time stamps which indicate when they should be synchronized and displayed with the video, video may be broadcast or from a DVD (column 3, line 64-column 4, line 18, line 64-column 5, line 13, line 41-column 6, line 24). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Field and Eyer to synchronize the web content with the video as taught by Hidary, so that a user may learn more about the topic of the program they are watching.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER